

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
APPELLATE SIDE
CIVIL REVISION APPLICATION NO.65 OF 2005

Ashoka Promoters Pvt.Ltd. .. Petitioner
versus
Lahanu Ramji Pawar & ors. .. Respondents

...

Mr.R.S. Apte with Mr.A.A. Garge for the petitioner.

CORAM : D.G. KARNIK, J
DATED : 24th April 2007.

P.C.:

1. This Revision Application is directed against the order dated 21st February 2005 passed on the application of the petitioner filed under section 9A of the Code of Civil Procedure (Maharashtra Amendment) for trying the issue regarding jurisdiction of a preliminary issue. After hearing the parties the trial court held that it had the jurisdiction and therefore rejected the application.

2. In Solapur Social Urban Co-operative Bank

Ltd. Vs. Nigam A. Mannan Beskar & ors. reported in 2006(4) Bom.C.R. 217, I have held that section 9A of the Code of Civil Procedure stands repealed by reason of the Code of Civil Procedure (Amendment) Act 1999 (Central Act 46 of 1999) and the Code of Civil Procedure (Amendment) Act, 2002 (Central Act 22 of 2002).

3. As the Maharashtra Amendment introducing section 9A of the Code of Civil Procedure itself stood repealed, application under section 9A of the C.P.C itself was not maintainable. In the circumstances, there is no merit in the Revision Application which is hereby dismissed.

(D.G. KARNIK, J)